

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

MAH

PLAINTIFF <u>Ora Kuy Kendall</u>	COURT CASE NUMBER <u>08C 3746</u>
DEFENDANT <u>Solo Cup Company</u>	TYPE OF PROCESS <u>B/C</u>

SERVE → NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Solo Cup Company

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
AT 7575 S. Kostner, Chicago, IL

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

ORA Kuy Kendall
434 Crandon Ave.
Calumet, IL 60409

Number of process to be served with this Form - 285	<u>1</u>
Number of parties to be served in this case	<u>1</u>
Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

340 33 North LaSalle Street
Chicago, IL 60602

FILED
AUG 26 2008 YM
8-26-2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

7-17-08**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <u>1</u>	District of Origin No. <u>24</u>	District to Serve No. <u>24</u>	Signature of Authorized USMS Deputy or Clerk <u>TD</u>	Date <u>07-17-08</u>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

NOT SERVED

Date of Service

8-13-08 1:50 pm

Signature of U.S. Marshal or Deputy

Service Fee <u>48.00</u>	Total Mileage Charges (including endeavors) <u>1.48</u>	Forwarding Fee <u>0</u>	Total Charges <u>48.48</u>	Advance Deposits <u>0</u>	Amount owed to U.S. Marshal or <u>48.48</u>	Amount of Refund <u>0</u>
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REMARKS:

Business is NOT located at address listed.

1 Dsm / 1 Hour / 1 M.I. (RT)

AO 440 (Rev. 05/97) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ORA Kuykendall

SUMMONS IN A CIVIL CASE

CASE 08CV3746
ASSIC JUDGE LINDBERG
DESIG MAG. JUDGE KEYS
MAGISTRATE JUDGE

2008 JUL 17 PM 3:43

RECEIVED
CLERK'S OFFICE
JUL 17 2008

v.

Solo Cup Company

TO: (Name and address of Defendant)

Solo Cup Company
7575 S. Kostner
CHICAGO, ILL

C/O

33 North LaSalle Street
CHICAGO, ILL 60602

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

ORA Kuykendall
434 CRandon ave
Calumet ILL 60409

an answer to the complaint which is herewith served upon you, 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL W. DOBBINS, CLERK

(By) DEPUTY CLERK

DATE

7-15-08

AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ¹⁾	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- _____
- _____
- ☐ Other (specify): _____
- _____
- _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ORA Kuykendall }

(Name of the plaintiff or plaintiffs) + }

Solo Cup Company }

(Name of the defendant or defendants) - }

CIVIL ACTION

N **08CV3746**

**JUDGE LINDBERG
MAG. JUDGE KEYS**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
2008 JUL 17 PM 3:43
RECEIVED

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is ORA Kuykendall of the
county of _____ in the state of _____.
3. The defendant is Solo Cup Company, whose
street address is 7575 S. Kostner
(city) Chicago (county) Cook (state) IL (ZIP) 60654
(Defendant's telephone number) (773)-767-3300
4. The plaintiff sought employment or was employed by the defendant at (street address)

(city) _____
(county) ADOLFE (state) _____ (ZIP code) _____
5. The plaintiff [check one box]
 - (a) ☐ was denied employment by the defendant.
 - (b) ☐ was hired and is still employed by the defendant.
 - (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
 (month) 9, (day) 23, (year) 2004.

7.1 (Choose paragraph 7.1 or 7.2, do not complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one
 box] ☐ has ~~not~~ ☒ has filed a charge or charges against the defendant
 asserting the acts of discrimination indicated in this complaint with any of the following government
 agencies:

(i) ☐ the United States Equal Employment Opportunity Commission, on or about
 (month) _____ (day) _____ (year) _____.

(ii) ☒ the Illinois Department of Human Rights, on or about
 (month) 10 (day) 24 (year) 2006.

(b) If charges were filed with an agency indicated above, a copy of the charge is
 attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department
 of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason
 to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the
 defendant asserting the acts of discrimination indicated in this court complaint.

☒ Yes (month) 1 (day) 1 (year) 2006

☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) _____
 (day) _____ (year) _____.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☒ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☒ the United States Equal Employment Opportunity Commission has not issued a Notice of Right to Sue.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a Notice of Right to Sue, which was received by the plaintiff on (month) April (day) 4 (year) 2008 a copy of which Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check only those that apply]:

- (a) ☒ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [check only those that apply]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.

- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;

(h) ☐ other (specify): _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Solo Cup Work place harassment policy indicates that any employee who feels that they are an object of harassment should promptly report to his/her Manager. Which I have done on several occasions but the issue was never address by Management. Therefore forcing me to protect myself from the angry defend (Anna)

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

(f) ☐ Direct the defendant to (specify): The defend would
like to be accommodate for all
loss wages. From 9-23-06 to present.
OR Re-employ of her job.

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☐ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

ORA Kuykendall

(Plaintiff's name)

ORA KuyKendALL

(Plaintiff's street address)

434 CRandon ave

(City) Columet (State) ILL (ZIP) 60409

(Plaintiff's telephone number) (708) - 832 - 1656

Date: 6-25-08

DISMISSAL AND NOTICE OF RIGHTS

To: **Ora Kuykendall**
434 Crandon
Calumet City, IL 60409

From: **Equal Employment Opportunity Commission**
Chicago District Office
500 West Madison Street
Suite 2800
Chicago, Illinois 60661-2511

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2007-00215

Nola Smith, State & Local Coordinator

(312) 886-5973

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this Notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

APR 02 2008

John P. Rowe
John P. Rowe, District Director

Enclosure(s)

(Date Mailed)

cc: **SOLO CUP COMPANY**

FILING SUIT IN COURT OF COMPETENT JURISDICTION

PRIVATE SUIT RIGHTS:

This issuance of this Notice of Right to Sue ends EEOC's process with respect to your charge. You may file a lawsuit against the respondent named in your charge within 90 days from the date you receive this Notice. Therefore you should keep a record of this date. Once this 90-day period is over, your right to sue is lost. If you intend to consult an attorney, you should do so as soon as possible. Furthermore, in order to avoid any question that you did not act in a timely manner, if you intend to sue on your own behalf, your suit should be filed well in advance of the expiration of the 90-day period.

You may file your lawsuit in a court of competent jurisdiction. Filing this Notice is not sufficient. A court complaint must contain a short statement of the facts of your case which shows that you are entitled to relief. Generally, suits are brought in the state where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office.

You may contact EEOC if you have any questions about your rights, including advice on which court can hear your case, or if you need to inspect and copy information contained in the case file.

A lawsuit against a private employer is generally filed in the U.S. District Court.

A lawsuit under Title VII of the Civil Rights Act of 1964, as amended, against a State agency or a political subdivision of the State is also generally filed in the U.S. District Court.

However, a lawsuit under the Age Discrimination in Employment Act or the Americans with Disabilities Act or, probably, the Equal Pay Act against a State instrumentality (an agency directly funded and controlled by the State) can only be filed in a State court.

A lawsuit under the Age Discrimination in Employment Act or the Americans with Disabilities Act or the Equal Pay Act against a political subdivision of the State, such as municipalities and counties, may be filed in the U.S. District Court.

For a list of U.S. District Courts, please see reverse side.

IF THE FIRST THREE CHARACTERS OF YOUR EEOC CHARGE NUMBER ARE "21B" AND YOUR CHARGE WAS INVESTIGATED BY THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS (IDHR), REQUEST FOR REVIEWING AND COPYING DOCUMENTS FROM YOUR FILE MUST BE DIRECTED TO IDHR.

ATTORNEY REPRESENTATION:

If you cannot afford or have been unable to obtain a lawyer to represent you, the court having jurisdiction in your case may, assist you in obtaining a lawyer. If you plan to ask the court to help you obtain a lawyer, you must make this request of the court in the form and manner it requires. Your request to the court should be made well before the end of the 90-day period mentioned above. A request for representation does not relieve you of the obligation to file a lawsuit within this 90-day period.

DESTRUCTION OF FILE:

If you file suit, you or your attorney should forward a copy of your court complaint to this office. Your file will then be preserved. Unless you have notified us that you have filed suit, your charge file could be destroyed as early as six months after the date of the Notice of Right to Sue.

IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE WHEN THE LAWSUIT IS RESOLVED.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.

07W1024.07

AGE . Y

☒ IDHR☐ EEOC

CHARGE NUMBER

2007CF1099

Illinois Department of Human Rights and EEOC

NAME (Indicate Mr. Ms. Mrs.)

Ora Kuykendall

HOME TELEPHONE (include area code)

(708) 832-1656

STREET ADDRESS

434 Crandon

CITY, STATE AND ZIP CODE

Calumet City, IL 60409

DATE OF BIRTH

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME

Solo Cup Company

NUMBER OF EMPLOYEES,
MEMBERS 15+

TELEPHONE (Include area code)

(773) 767-3300

STREET ADDRESS

7575 S. Kostner

CITY, STATE AND ZIP CODE

Chicago, IL 60654

COUNTY

Cook

CAUSE OF DISCRIMINATION BASED ON:

RACE

DATE OF DISCRIMINATION

EARLIEST (ADEA/EPA) LATEST (ALL)

10/2/06

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed attach extra sheets)

I. A. ISSUE/BASIS**HARASSMENT - APRIL 27, 2006 TO SEPTEMBER 23, 2006/DUE TO RACE, BLACK****B. PRIMA FACIE ALLEGATIONS**

1. My race is black.
2. My performance as packer was satisfactory. I started working for Respondent in September, 1983, and I had a good employment record.
3. From at least April 27, 2006 to September 23, 2006, I was continually harassed by Ann Plaws, a non-black coworker who talked to me in a demeaning manner; rolled her eyes

Continued...lgy

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS

NOTARY SIGNATURE

MONTH DATE-YEAR

"OFFICIAL SEAL"

Krystal I. Rogers

Notary Public, State of Illinois

My Commission Expires Nov. 15, 2006

NOTARY SEALX Ora Kuykendall 10/24/06
SIGNATURE OF COMPLAINANT DATE

I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

Charge Number: 2007CF1099

Complainant: Ora Kuykendall

Page 2

at me; insulted me; followed me around; and told others, especially new employees, false and negative things about me; and came to my work area to bother me, and on at least one occasion she kept hitting me with a spoon.

4. I complained to Terry Fidler, Supervisor, about the harassment, and he told me he would discharge me if I complained again. I told Bob (last name unknown), Manager, and he told me he could do nothing because it was my word against Ann's.

5. Non-black employees were not harassed in this manner.

II. A. ISSUE/BASIS

DISCHARGE - OCTOBER 2, 2006/DUE TO RACE, BLACK

B. PRIMA FACIE ALLEGATIONS

1. My race is black.

2. My performance as packer was satisfactory.

3. On October 2, 2006, I found out Thomas M. Dumasica, Human Resources Manager, discharged me, effective September 29, 2006. The reason given was hitting a coworker.

4. Ann Plaws, a non-black coworker who continually harassed me for several years, came to my work area and started hitting me with a spoon. I told her to stop and she continued. I was working with a tape gun, and on one of those times when she was hitting me, I moved as a reflex to her attack, and she claimed I hit her with the tape gun. I did not do it on purpose, and I do not believe I hit her hard, but I was discharged.

5. Plaws was not discharged when I complained about her. Another non-black employee was not discharged under similar circumstances.

lgv